

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ERNEST ANDRADE-BARTELDES, on behalf
of himself and all others similarly situated,

Plaintiff,

-against-

ASA COLLEGE, INC.,
ALEXANDER SHCHEGOL, and
JOSE VALENCIA,

Defendants.

No. 1:23-cv-00495

DECLARATION IN SUPPORT

Justin S. Clark, an attorney duly admitted to practice law before this Court, hereby declares and affirms, under penalty of perjury, as follows:

1. I am an attorney with the law firm of Levine & Blit, PLLC, attorneys for plaintiff ERNEST ANDRADE-BARTELDES and the certified class and collective of former adjunct instructors (“Plaintiffs”) in the above-captioned civil action. I submit this affirmation in support of Plaintiffs’ request for a certificate of default against defendants ASA COLLEGE, INC. and ALEXANDER SHCHEGOL (collectively, “Defendants”) pursuant to Fed. R. Civ. Pro. Rule 55 and Local Rule 55.1.

2. This matter was commenced on January 20, 2023 in the United States District Court for the Southern District of New York, brought pursuant to the Fair Labor Standards Act (“FLSA”) and the New York Labor Law (“NYLL”) alleging causes of action for unpaid minimum wages, unpaid earned wages, and untimely paid wages. This is a civil action to recover unpaid

minimum wages and earned wages; liquidated damages under the FLSA and/or NYLL; prejudgment interest; and Plaintiffs' reasonable attorney's fees and costs.

3. Jurisdiction of this action is based upon federal question jurisdiction pursuant to 28 U.S.C. § 1331.

4. Defendant ASA COLLEGE, INC. is a for-profit corporation licensed to do business in the State of New York.

5. Defendant ASA COLLEGE, INC. was served process on February 1, 2023 by serving Ms. Keiko, an agent of ASA COLLEGE, INC. authorized to accept service of process on behalf of ASA COLLEGE, INC.

6. Defendant ASA COLLEGE, INC., as a for-profit corporation, is not an infant, in the military, or otherwise incompetent.

7. Defendant ALEXANDER SHCHEGOL, who owns and operates ASA COLLEGE, INC., is a natural person who engages in business in the State of New York.

8. Defendant ALEXANDER SHCHEGOL was served process on February 8, 2023 by serving Deborah "Doe", an authorized agent of defendant ALEXANDER SHCHEGOL at defendant ALEXANDER SHCHEGOL's actual place of business.

9. Defendant ALEXANDER SHCHEGOL is not an infant, in the military, or otherwise incompetent.

10. The time for Defendants to answer or otherwise move with respect to the Complaint herein has expired without response by Defendants and the time to answer or otherwise move with respect to the Complaint has not been extended.

11. This civil action seeks unspecified monetary damages; thus, an inquest upon the grant of default judgment by the Court will be necessary.

12. The disbursements sought to be taxed have been made in this action or will necessarily be made herein.

WHEREFORE, Plaintiff respectfully requests that the default of Defendants ASA COLLEGE, INC. and ALEXANDER SHCHEGOL are noted and a Certificate of Default is issued.

Respectfully submitted,

LEVINE & BLIT, PLLC

A handwritten signature in black ink, appearing to read 'J. Clark', is written over a horizontal line.

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Dated: January 26, 2024
Rye Brook, NY